

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Fred L. Nance Jr.

Plaintiff,

v.

Department of Justice, Bureau of Justice
Assistance, Office of Justice Programs,
EMAGES, Inc., Hattie Wash, Thomas
Bradley, et al.,

Defendants.

Case No. 1:20-cv-06316

Hon. Jorge L. Alonso
Magistrate Judge Beth W. Jantz

**DEFENDANTS' COMBINED MOTION TO DISMISS PLAINTIFF'S
COMPLAINT AND MOTION FOR A MORE DEFINITE
STATEMENT PURSUANT TO FEDERAL RULES
OF CIVIL PROCEDURE 12(B)(6) AND 12(E)**

Defendant, Thomas Bradley ("Bradley"), by and through his undersigned counsel, hereby moves to dismiss Plaintiff, Fred L. Nance Jr.'s ("Plaintiff") Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendants, EMAGES, Inc. ("EMAGES") and Dr. Hattie Wash ("Dr. Wash") (collectively, "Defendants"), by and through their undersigned counsel, move this Court to dismiss Counts VI and VII of the Complaint with prejudice, pursuant to Rule 12(b)(6). Defendants also move this Court to order Plaintiff to provide a more definite statement pursuant to Federal Rule of Civil Procedure 12(e).

Plaintiff cannot maintain a single claim for relief against Bradley, who is not a contractor, subcontractor, grantee, or subgrantee for the grant at issue, nor was he Plaintiff's employer. These shortcomings are fatal to each of Plaintiff's claims, and Bradley should be dismissed from this case entirely. Additionally, Plaintiff's claims for "emotional distress" and "special damages" are forms of relief, not standalone causes of action. These claims should be dismissed with prejudice as to

Defendants. Finally, Plaintiff should be ordered to provide a more definite statement. The Complaint simultaneously alleges that Plaintiff was and was not an employee of EMAGES. As all of Plaintiff's claims require an employer-employee relationship, Defendants are unable to prepare an appropriate response to the Complaint.

WHEREFORE, Defendants, EMAGES, Inc., Dr. Hattie Wash, and Thomas Bradley respectfully request that this Court enter an Order:

1. Dismissing the Complaint with prejudice in its entirety as to Bradley;
2. Dismissing Counts VI and VII of the Complaint with prejudice as to EMAGES and Dr. Wash;
3. Granting Defendants' Motion for a More Definite Statement, directing Plaintiff to clarify whether he claims that he was or was not an employee of EMAGES; and
4. Granting such other and further relief that this Court deems fair, necessary, and just.

The bases for this relief are set forth in the accompanying Memorandum of Law in Support of Combined Motion to Dismiss Plaintiff's Complaint and Motion for a More Definite Statement Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(e), which is incorporated herein by reference.

Dated: February 12, 2021

Respectfully submitted,

**EMAGES, INC., DR. HATTIE WASH, AND
THOMAS BRADLEY**

By: /s/ Derrick M. Thompson Jr.
One of their Attorneys

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